

**IC 8-20**

**ARTICLE 20. COUNTY ROADS—LOCATION AND  
EMINENT DOMAIN**

**IC 8-20-1**

Chapter 1. Location or Relocation of County Roads

**IC 8-20-1-1**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-2**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-3**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-3.1**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-4**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-5**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-6**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-7**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-8**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-9**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-10**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-11****Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-12****Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-13****Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-14****Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-15****Right-of-way**

Sec. 15. A county highway right-of-way may not be laid out that is less than twenty (20) feet on each side of the centerline, exclusive of additional width required for cuts, fills, drainage, utilities, and public safety.

*(Formerly: Acts 1905, c.167, s.15; Acts 1961, c.137, s.1; Acts 1963, c.123, s.1.) As amended by P.L.66-1984, SEC.118; P.L.86-1988, SEC.172; P.L.112-1995, SEC.2.*

**IC 8-20-1-15.5****Apparent right-of-way; establishment**

Sec. 15.5. (a) As used in this section, "apparent right-of-way" means the location and width of county highway right-of-way for purposes of use and control of the right-of-way by the county executive.

(b) A county executive may establish the apparent right-of-way of a county highway. However, the width of the apparent right-of-way may not exceed twenty (20) feet on each side of the center line exclusive of additional width required for cuts, fills, drainage, utilities, and public safety.

(c) A county executive that desires to establish the apparent right-of-way of a county highway shall do the following:

- (1) Make a preliminary finding of the apparent right-of-way by using the best available evidence, including physical observation from the ground or air.
- (2) From the preliminary finding of the apparent right-of-way:
  - (A) prepare a map and a written description of the apparent right-of-way;
  - (B) give notice of the preliminary finding by publishing the map and the written description in the manner provided by law; and
  - (C) give notice of the preliminary finding by certified mail

to the owners of land, according to the records of the county auditor, that abuts the apparent right-of-way.

(3) Conduct a public hearing at which owners of land in the county may:

(A) object to the preliminary finding;

(B) present evidence in support of or in opposition to the preliminary finding; and

(C) propose changes to the preliminary finding.

(4) After the hearing under subdivision (3), revise the preliminary finding of the apparent right-of-way, if necessary.

(5) Adopt an ordinance to establish the revised finding as the apparent right-of-way.

(6) Record with the county recorder a map and a written description of the apparent right-of-way as established by the ordinance.

(d) The apparent right-of-way of a county highway established under this section is the right-of-way for purposes of use and control of a county highway by the county executive.

(e) If the apparent right-of-way exceeds the legal right-of-way, then the county must proceed under IC 36-1-4-5 and IC 8-20-3-1 to acquire the apparent right-of-way.

*As added by P.L.62-1992, SEC.1. Amended by P.L.112-1995, SEC.3.*

**IC 8-20-1-16**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-17**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-18**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-19**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-20**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-21**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-22**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-22.1**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-23**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-24**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-25**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-25.1**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-26**

**Railroad companies**

Sec. 26. (a) Every railroad company may construct its railroad across any stream, water course, road, highway, railroad, or canal that it intersects in a manner that does not interfere with the free use of the road. The railroad company shall restore the stream or water course, road, highway, or canal intersected to its former state.

(b) When the track crosses a highway, the crossing may be at grade or the highway may be carried under or over the track. If an embankment or cutting makes a change in the line of the highway desirable, the railroad company may take additional lands for the construction of the highway or new line. When land is taken, it becomes a part of the highway.

*(Formerly: Acts 1905, c.167, s.35.) As amended by P.L.86-1988, SEC.180.*

**IC 8-20-1-27**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-28**

**Public and municipally owned utilities; poles, facilities, appliances, and fixtures**

Sec. 28. Public and municipally owned utilities are authorized to construct, operate, and maintain their poles, facilities, appliances, and fixtures upon, along, under, and across any of the public roads, highways, and waters outside of municipalities, as long as they do not interfere with the ordinary and normal public use of the roadway, as defined in IC 9-13-2-157. However, the utility shall review its

plans with the county executive before locating the pole, facility, appliance, or fixture. The utility may trim any tree along the road or highway, but may not cut down and remove the tree without the consent of the abutting property owners, unless the cutting or removal is required by rule or order of the Indiana utility regulatory commission. The utility may not locate a pole where it interferes with the ingress or egress from adjoining land.

*(Formerly: Acts 1905, c.167, s.38; Acts 1911, c.161, s.1.) As amended by P.L.86-1988, SEC.181; P.L.2-1991, SEC.62.*

**IC 8-20-1-29**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-30**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-31**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-32**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-33**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-34**

**Bridges within corporate limits of municipalities**

Sec. 34. The executive of any county may build or repair any bridge within the corporate limits of any municipality in the county in the same manner and paid for out of the same funds as are other bridges located outside of corporate limits.

*(Formerly: Acts 1905, c.167, s.44.) As amended by P.L.86-1988, SEC.186.*

**IC 8-20-1-35**

**Bridges across streams forming county boundary lines**

Sec. 35. (a) Whenever public convenience requires the erection, repair, or purchase of any bridge across a stream forming the boundary line between two (2) or more counties (and in all cases where a stream crosses a public highway forming the boundary line between two (2) or more counties, and where the stream requires a bridge of more than twenty (20) feet in length) the executive of either county may aid in the erection, repair, or purchase of the bridge and shall notify the other county of its intent.

(b) If the executive of the other county also agrees to provide aid,

both executives shall, by concurrent resolution, order the preparation of a survey, an estimate, plans, and specifications for presentation at a joint session. The executives shall place the plans and specifications agreed upon at the meeting on file with the auditor of the county that first offered to aid in the erection or repair of the bridge. The auditor shall keep a complete record of all the proceedings relating to the bridge.

(c) If an executive fails, for a period of thirty (30) days after receiving notice, to join in the building, repair, or purchase of the bridge, then the executive of the first county may build, repair, or purchase the bridge, after first obtaining the written consent of the landowner in the adjoining county whose land will be occupied by any part of the bridge.

(d) The county executives shall jointly appoint a person who will supervise the erection or repair of the bridge, subject to rules adopted by the executives. The executives may require the individual supervising the work to give bond in the manner prescribed by IC 5-4-1.

(e) The executives shall fix the appropriation to pay the cost of the improvement in a joint resolution.

(f) If any county refuses to join in the improvement of the bridge, the county desiring the improvements may proceed on its own, and when the cost does not exceed ten thousand dollars (\$10,000), the county making the improvement may recover from each adjoining county affected by the improvement the amount that the county should have paid had it joined in the improvement. If the claim is litigated, the judgment shall include a reasonable fee for the plaintiff's attorney.

(g) All executives in advertising for bids, letting contracts, and requiring affidavits and bonds for bidders and contractors shall proceed under IC 36-1-12. Each county shall be the owner of an interest in any bridge erected, repaired, or purchased under this section.

*(Formerly: Acts 1905, c.167, s.45; Acts 1911, c.220, s.1; Acts 1913, c.74, s.1.) As amended by Acts 1981, P.L.57, SEC.25; P.L.86-1988, SEC.187; P.L.113-1989, SEC.10.*

#### **IC 8-20-1-36**

##### **Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

#### **IC 8-20-1-37**

##### **Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

#### **IC 8-20-1-38**

##### **Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

#### **IC 8-20-1-39**

**Repealed**  
(*Repealed by P.L.113-1989, SEC.11.*)

**IC 8-20-1-40**  
**Repealed**  
(*Repealed by P.L.113-1989, SEC.11.*)

**IC 8-20-1-41**  
**Repealed**  
(*Repealed by P.L.86-1988, SEC.227.*)

**IC 8-20-1-42**  
**Repealed**  
(*Repealed by P.L.113-1989, SEC.11.*)

**IC 8-20-1-43**  
**Repealed**  
(*Repealed by P.L.113-1989, SEC.11.*)

**IC 8-20-1-44**  
**Repealed**  
(*Repealed by P.L.113-1989, SEC.11.*)

**IC 8-20-1-45**  
**Repealed**  
(*Repealed by P.L.113-1989, SEC.11.*)

**IC 8-20-1-46**  
**Repealed**  
(*Repealed by P.L.113-1989, SEC.11.*)

**IC 8-20-1-47**  
**Errors in proceedings**

Sec. 47. A person may not challenge any proceedings under this chapter because of an error unless the party is affected by the error. (*Formerly: Acts 1905, c.167, s.57.*) *As amended by P.L.66-1984, SEC.122; P.L.86-1988, SEC.198.*

**IC 8-20-1-48**  
**Repealed**  
(*Repealed by P.L.113-1989, SEC.11.*)

**IC 8-20-1-49**  
**Repealed**  
(*Repealed by P.L.113-1989, SEC.11.*)

**IC 8-20-1-50**  
**Repealed**  
(*Repealed by P.L.86-1988, SEC.227.*)

**IC 8-20-1-50.1**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-51**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-52**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-53**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-54**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-54.1**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-55**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-56**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-57**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-58**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-59**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-60**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-61**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-62**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-63**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-64**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-65**

**Repealed**

*(Repealed by Acts 1981, P.L.57, SEC.45.)*

**IC 8-20-1-66**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-67**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-68**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-20-1-69**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-70**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-71**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-20-1-72**

**Appeal to circuit court**

Sec. 72. Any person aggrieved by any decision of the executive of any county in any proceeding relating to highways may appeal within thirty (30) days to the circuit court of the county by filing a bond. If the proceedings involve more than one (1) county, the appeal shall be filed in the circuit court of the county where the proceedings were first instituted. The auditor of each county, when notified of an

appeal by the auditor of the county where the appeal is filed, shall transmit to the clerk of the court a transcript of all the proceedings in the county. After the appeal is decided, the clerk shall notify the auditors of all interested counties. The appeal shall be tried de novo. The court may make a final determination on the cause appealed, or may refer the case back to the county with directions on how to proceed.

*(Formerly: Acts 1905, c.167, s.123.) As amended by P.L.66-1984, SEC.134; P.L.86-1988, SEC.217.*